

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410-7000

OCT 2 6 2011

OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

MEMORANDUM FOR:

State and Tribal Historic Preservation Officers

FROM:

Yolanda Chávez, Deputy Assistant Secretary for Mary

SUBJECT:

Authorization of HUD Fiscal Year 2010 Regional Planning and

Community Challenge Grant Recipients To Initiate Section 106

Consultation

HUD's Regional Planning and Community Challenge Grant programs for Fiscal Year (FY) 2010, authorized by the Consolidated Appropriations Act, 2010 (Public Law 111-117) will help stimulate a new generation of sustainable and livable communities that connect housing, employment and economic development with transportation and other infrastructure improvements. Most of the awards are for planning projects, but a small number also involve property purchase, and therefore must comply with provisions of Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800. In these projects, HUD is responsible for completing environmental and Section 106 reviews under HUD's environmental regulations in 24 CFR Part 50. In order to facilitate the review process, HUD has determined that it is consistent with 36 CFR 800.2(c)(4) for this group of FY 2010 Regional Planning and Community Challenge Grant recipients to initiate Section 106 consultation with State or Tribal Historic Preservation Officers (SHPO/THPO) and other consulting parties. The list of applicable Grant recipients is included on page 2 of this memo.

Effective immediately, these FY 2010 Regional Planning and Community Challenge Grantees and their authorized representatives may initiate the Section 106 review process, identify and evaluate properties, and assess effects. When consulting with SHPO/THPO and others, the grantees shall identify their project as a Regional Planning or Community Challenge Grant project and provide an appropriate contact person within the grantee's organization. Following their review, the grantees will submit Section 106 documentation to you for your review and concurrence. If you concur, the Section 106 process will be considered complete, unless any of the considerations below apply.

HUD will remain responsible for participating in the Section 106 consultation process when:

• There is disagreement between the grantee (or its authorized representative) and the SHPO/THPO, Advisory Council on Historic Preservation, or Secretary of the Interior regarding identification and evaluation of historic properties and/or assessment of effects;

- There is an objection from consulting parties or the public regarding assessment of effects, the implementation of agreed upon provisions, or their involvement in a Section 106 review;
- It is determined, in accordance with the *Criteria of Adverse Effect*, that there is an adverse effect on a historic property; or
- There is potential for either a foreclosure situation per 36 CFR 800.9(b) or anticipatory demolition as specified in Section 110(k) of the National Historic Preservation Act.

This notification to SHPO/THPOs allows FY 2010 Regional Planning and Community Challenge grantees to initiate their project planning and the Section 106 review process in a coordinated and efficient manner. Per 36 CFR 800.2(c)(4), HUD remains legally responsible for all findings and determinations made by local government grantees (or their authorized representatives) and for its government-to-government relationship with Indian tribes.

Questions about HUD's Historic Preservation program should be directed to Nancy Boone, Federal Preservation Officer, at 202-402-5718, or by e-mail at Nancy.E.Boone@hud.gov. Questions about the Regional Planning and Community Challenge grants should be directed to Rachel T. Kirby, Office of Sustainable Housing and Communities, at 202-402-6543, or by e-mail at rachel.t.kirby@hud.gov. For on-line information about the Regional Planning and Community Challenge Grant programs, see:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/sustainable_housing_communities

List of Applicable Grant Recipients:

East Hazel Crest	IL
Traverse City	MI
Hartford	СТ
Washington	DC
Somerville	MA
Dallas	TX
Memphis	TN
Honolulu	HI
Greenville	SC
Denver	CO
Augusta	GA



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410-7000

OFFICE OF SUSTAINABLE HOUSING AND COMMUNITIES

MAR - 4 2013

MEMORANDUM FOR:

State Historic Preservation Officers

FROM:

Shelley Poticha, Director

Office of Sustainable Housing and Communities

SUBJECT:

Authorization of HUD Fiscal Year 2011 Regional Planning and

Community Challenge Grant Recipients to Initiate Section 106

Consultation

HUD's Regional Planning and Community Challenge Grant programs for Fiscal Year (FY) 2011, authorized by the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10) will help stimulate a new generation of sustainable and livable communities that connect housing, employment and economic development with transportation and other infrastructure improvements. Most of the awards are for planning projects, but some also involve property purchase, and therefore must comply with provisions of Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800. In these projects, HUD is responsible for completing environmental and Section 106 reviews under HUD's environmental regulations in 24 CFR Part 50. In order to facilitate the review process, HUD has determined that it is consistent with 36 CFR 800.2(c)(4) for this group of FY 2011 Regional Planning and Community Challenge Grant recipients to initiate Section 106 consultation with State Historic Preservation Officers (SHPOs) and other consulting parties. The list of applicable Grant recipients is included on page 2 of this memo.

Effective immediately, these FY 2011 Regional Planning and Community Challenge Grantees and their authorized representatives may initiate the Section 106 review process, identify and evaluate properties, and assess effects. When consulting with SHPO and others, the grantees shall identify their project as a Regional Planning or Community Challenge Grant project and provide an appropriate contact person within the grantee's organization. Following their review, the grantees will submit Section 106 documentation to you for your review and concurrence. If you concur, the Section 106 process will be considered complete, unless any of the considerations below apply.

HUD will remain responsible for participating in the Section 106 consultation process when:

• There is disagreement between the grantee (or its authorized representative) and the SHPO, Advisory Council on Historic Preservation, or Secretary of the Interior regarding identification and evaluation of historic properties and/or assessment of effects;

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- There is an objection from consulting parties or the public regarding assessment of effects, the implementation of agreed upon provisions, or their involvement in a Section 106 review;
- It is determined, in accordance with the *Criteria of Adverse Effect*, that there is an adverse effect on a historic property;
- Consultation with Indian tribes is required and HUD must initiate such consultation; or
- There is potential for either a foreclosure situation per 36 CFR 800.9(b) or anticipatory demolition as specified in Section 110(k) of the National Historic Preservation Act.

This notification to SHPO allows FY 2011 Regional Planning and Community Challenge grantees to initiate their project planning and the Section 106 review process in a coordinated and efficient manner. Per 36 CFR 800.2(c)(4), HUD remains legally responsible for all findings and determinations made by local government grantees (or their authorized representatives) and for its government-to-government relationship with Indian tribes.

Questions about HUD's Historic Preservation program should be directed to Nancy Boone, Federal Preservation Officer, at 202-402-5718, or by e-mail at Nancy.E.Boone@hud.gov. Questions about the Regional Planning and Community Challenge grants should be directed to Lynnette McRae, Office of Sustainable Housing and Communities, at 202-402-2102, or by e-mail at lynnette.mcrae@hud.gov. For on-line information about the Regional Planning and Community Challenge Grant programs, see:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/sustainable_housing_communities

List of Applicable Grant Recipients:

CT
MI
IL
WA
MA
FL
PA